Supreme Court, U. S.
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MAR 4 1976
MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1975

NO. 75-862

WILLIAM HENRY INGRAM,

Petitioner

v.

STATE OF GEORGIA,

Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE GEORGIA SUPREME COURT

PETITION FOR REHEARING AND MOTION FOR STAY OF NOTICE TO THE SUPREME COURT OF GEORGIA

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I N D E X

I. PETITION FOR REHEARING OF ORDER DENYING PETITION FOR CERTIORARI . . . 1

II. MOTION FOR STAY OF NOTICE TO THE SUPREME COURT OF GEORGIA 5

CERTIFICATE OF SERVICE 6

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I. PETITION FOR REHEARING OF ORDER DENYING PETITION FOR CERTIORARI

William Henry Ingram presents his Petition for a Rehearing of this Court's Order dated February 23, 1976, denying the Petition for a Writ of Certiorari to

the Supreme Court of Georgia, and in support thereof, respectfully shows:

1.

That throughout the Trial of this case it appeared that one Harvey King along with the co-defendant, Eddie Bradley, were the actual perpetrators of any crimes committed which were the subject of indictment against William Henry Ingram. The said Harvey King was a fugitive from justice until July 1975 when he surrendered and ultimately in open Court pleaded guilty to the crimes for which the said William Henry Ingram was charged, and at such time exonerated this defendant. The cause was on Appeal at the time to the Supreme Court of Georgia on the issues involving the merits of the Trial and it was not

feasible or possible to inject this matter outside the Record. In like fashion, it was neither feasible or possible to submit this issue not contained in the Record to the Supreme Court of the United States on a Petition for Certiorari.

2.

At the present stage of the proceedings here the only method by which this issue could be presented to the Supreme Court of Georgia would be by an Application for a Writ of Error coram nobis, and in order to present such Application there must be filed with this Court a Petition for Rehearing and a Motion for Stay of Notice to the Supreme Court of Georgia, thus giving time and opportunity to Counsel for this Petitioner to follow this procedure and

prevent prejudice to the Petitioner in this case. For the foregoing reasons it is respectfully urged that this Petition for a Rehearing be granted and that upon further consideration a Writ of Certiorari issue to the Supreme Court of Georgia.

II. MOTION FOR STAY OF NOTICE

Petitioner moves for an Order Staying Notice by the Clerk of the Supreme Court of Georgia of entry of this Court's Order dated February 23, 1976, denying the Petition for a Writ of Certiorari to the Supreme Court of Georgia and in support thereof respectfully cites the grounds set forth in the above and foregoing Petition for Rehearing. Said Petition for Rehearing being presently presented in good faith and not for delay.

This 2 day of March, 1976.

Vincent P. McCauley
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Vincent P. McCauley, Attorney of Record for the Petitioner herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that in accordance with the rules of the Supreme Court of the United States, I have this day served a true and correct copy of the foregoing Petition for Rehearing and Motion for Stay of Notice to the Supreme Court of Georgia, upon the Respondent by depositing a copy of same in the United States mail, with proper address and adequate postage thereon to:

G. Thomas Davis
132 State Judicial Bldg.
40 Capitol Square, S.W.
Atlanta, Georgia 30334

This 2 day of March, 1976.

Vincent P. McCauley
Attorney for Petitioner